

**MORGAN, LEWIS & BOCKIUS LLP**

101 Park Avenue  
New York, New York 10178  
212.309.6000  
Amber Kagan (AK-7973)  
Jill Barbarino (JB-6385)

**LANDMAN CORSI BALLAINE & FORD P.C.**

120 Broadway, 27th Floor  
New York, New York 10271  
212.468.4800  
Daniel S. Moretti (DM-6630)

Attorneys for Defendants Dentsu Holdings USA, Inc.,  
Dentsu America, Inc., Toyo Shigeta and Timothy Andree

**UNITED STATE DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----	X	
	:	
STEVE BIEGEL,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	07 Civ. 9653 (CM) (THK)
	:	
DENTSU HOLDINGS USA, INC.,	:	
DENTSU AMERICA, INC., TOYO	:	
SHIGETA and TIMOTHY ANDREE,	:	ELECTRONICALLY FILED
	:	
Defendants.	:	
	:	
	:	
-----	X	

**AFFIDAVIT OF JILL BARBARINO**

STATE OF NEW YORK     )  
                                  ) ss.  
COUNTY OF NEW YORK    )

I, JILL BARBARINO, being duly sworn, deposes and says:

1.       I am an associate with the law firm of Morgan, Lewis & Bockius LLP, counsel  
for Defendants Dentsu Holdings USA, Inc., Dentsu America, Inc., Toyo Shigeta and Timothy

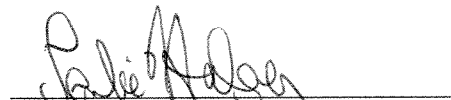
Andree in the above-referenced matter. I am fully familiar with the facts set forth herein and submit this Affidavit based on personal knowledge in Support of Defendants' Supplemental Memorandum of Law in Further Support of Their Motion to Dismiss the Amended Complaint.

2. Attached hereto, as **Exhibit A**, is a true and correct copy of Dentsu America, Inc.'s Policies and Procedures Employee Manual.

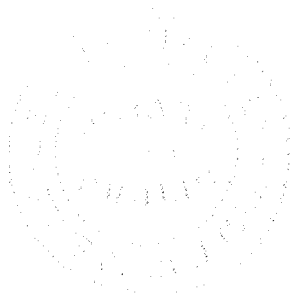
3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
Jill Barbarino

Signed and sworn to before me  
this 22<sup>nd</sup> day of January, 2008

  
Notary Public

LESLIE HALSEY  
Notary Public, State of New York  
No. 01HA5039390  
Qualified in Queens County  
Commission Expires February 21, 20 11



# **EXHIBIT A**

# DCA

advertising inc.

## Policies and Procedures Employee Manual

**DCA**  
**advertising**

**Policies and Procedures**

## Sexual Harassment

It is the policy of DCA Advertising that all employees are responsible for assuring that the workplace is free of sexual harassment. All employees must avoid VERBAL OR PHYSICAL conduct which could be viewed as sexually harassing.

Any employee who has a complaint of sexual harassment at work by anyone, including supervisors, co-workers, or visitors, must bring the problem to the attention of their supervisor. If the complaint involves someone in the employee's direct line of command, then the employee may bring it to the attention of the Administrative Officer.

All complaints will be promptly handled. The Company will take appropriate corrective action, including disciplinary measures, up to and including discharge, when justified, to remedy all violations of this policy.

## Smoking in the Workplace

Consistent with responsibilities imposed by the New York City Smoke-Free Air Act of 1995, which is intended to protect the rights of non-smokers, smoking is only allowed in private, enclosed offices under the following conditions:

- No more than *three* people may be present and all must consent. One of the three must be the usual occupant of that office.
- The office door must be COMPLETELY closed while anyone is smoking and remain closed for a reasonable period of time thereafter.

Smoking is also prohibited in the hallways, kitchens, mailroom, studio, reception area, restrooms or other public areas in our office frequented by general staff. Smoking is also not permitted in conference rooms.

The 1995 act also provides that employers must accord the health concerns of non-smoking employees priority over concerns of smokers.